



Andoni Economou
COO, EVP
44 Wall Street, 14th Fl.
New York, NY 10005
Tel: (212) 607-2004
Fax: (212) 635-5074
e-mail: aeconomou@mettel.net

EX PARTE

June 10, 2002

Marlene Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

RE: Application by Verizon-New Jersey for Authorization To Provide In-Region, InterLATA Services in the State of New Jersey, WC Docket No. 02-67.

Dear Ms. Dortch:

This letter is accompanied by additional support that demonstrates serious shortcomings in Verizon's OSS and casts further doubt on Verizon's purported investigations into previously raised problems. MetTel also introduces herein a billing problem that appeared in March and presently continues without any apparent end.

MetTel has provided several different analyses to demonstrate that Verizon's systems are not actually performing as represented in provisioning and billing completion notifiers ("False Notifier Analysis").¹ This submission focuses primarily on false notifiers associated with the change of a customer's Primary Interexchange Carrier ("PIC"). This particular false notifier problem is referred to as the "PIC Change Problem" or "PIC Change Accuracy." For purposes of simplicity, there are essentially two types of orders that permit a change to the PIC on an access line: (1) a migration order; and (2) a change order (hereinafter referred to collectively as "PIC Change Orders"). In both instances, the order must include the Carrier Identification Code ("CIC") for the requested PIC.

¹ See MetTel Comments, dated January 14, 2002 in Docket No. 01-347 and accompanying exhibits (errata exhibits filed January 18, 2002); Ex Parte letter to William Caton, Acting Secretary, from Anna Sokolin-Maimon and accompanying presentation summary filed February 1, 2002 in Docket No. 01-347; Ex Parte letter to William Caton, Acting Secretary, from Anna Sokolin-Maimon and accompanying presentation, filed March 14, 2002 in Docket No. 01-347; MetTel Supplemental Brief, and accompanying Declaration of Elliot M. Goldberg, dated April 8, 2002, in Docket No. 02-67; MetTel Reply Comments, dated April 19, 2002 in Docket No. 02-67; Ex Parte letter to William Caton, Acting Secretary, from Elliot M. Goldberg in Docket No. 02-67, dated April 15, 2002, Exhibit at 14-29; Ex Parte letter to William Caton, Acting Secretary, from Andoni Economou in Docket No. 02-67, dated May 14, 2002, Exhibit at 16-23; Ex Parte letter to Marlene Dortch, Secretary, from Andoni Economou in Docket No. 02-67, dated June 4, 2002 (filed June 5, 2002).

The PIC Change Problem is not a new problem as MetTel brought it to Verizon's attention well over a year ago when it first realized that a high percentage of presubscribed calls were not being routed to the "requested CIC."² In other words, although Verizon issued a Confirmation on a PIC Change Order, issued a PCN indicating that the requested CIC was provisioned and then issued a BCN indicating that the requested CIC was not only provisioned but properly recorded in all systems, calls were not in fact routed to the requested CIC. Rather, calls continued to be routed to the previous CIC, or in some instances, to a totally different CIC.

Despite the fact that Verizon was made aware of the problem, it is clear that very little has been done to correct the problem. Rather, Verizon first attempted to ignore the problem by redirecting attention—a common Verizon response to a real problem. Verizon claimed it evaluated MetTel's October 2001 and January 2002 migration orders for a PIC Change Problem.³ Verizon concluded that, (1) some lines did not have MetTel's usual CIC; (2) some lines had been "won back" by Verizon or left MetTel for another carrier; and (3) some category 11 calls are not supposed to be routed to the PIC. Essentially, Verizon evaluated every type of call that was not in issue and simultaneously attempted to either misunderstand the problem or have MetTel appear incompetent.⁴

Shortly thereafter, in a Supplemental Declaration, Verizon then suggested that MetTel's analysis was "flawed."⁵ Verizon alleged that in many instances the first call the end user makes after the provisioning completion date appropriately showed a Carrier ID other than the designated PIC.⁶ Verizon explained that an end user might place a long-distance call using a carrier other than the presubscribed carrier. In other words, Verizon created a "first call" analysis that had nothing to do with MetTel's requested CIC. MetTel's analysis is not a general "first call" analysis, but rather a "first presubscribed call to a specific presubscribed carrier" analysis and accounts for the scenarios described by Verizon. MetTel has made this fact clear to Verizon in the past. Moreover, MetTel always provided the actual lines that it was asserting as problematic. Nevertheless, by creating its own analysis, instead of responding to MetTel's data, Verizon avoided addressing the calls that went to a PIC other than the PIC that was provisioned.

In a more recent Ex Parte, Verizon merely reiterated its earlier "findings" which focused on identifying and discussing properly routed calls rather than the calls MetTel was asserting were improperly routed.⁷ Without mentioning their verbal commitment to investigate the examples with problems, that had been provided by MetTel all along⁸, they concluded this portion of their

² It is critical to keep in mind that all of MetTel's analysis is based only on PIC Change Orders where the requested CIC is 5237 (MetTel's CIC for long distance). MetTel has not done an analysis of all PIC Change Orders regardless of the CIC.

³ Ex Parte Letter to William Caton, Acting Secretary, from Clint E. Odom in Docket No. 01-347, dated February 25, 2002, at 4-7.

⁴ *Id.*

⁵ Supplemental Declaration of Kathleen McLean, Raymond Wierzbicki, Catherine T. Webster, and Julie A. Canny at 18 par. 33 ("VZ Supplemental Declaration").

⁶ *Id.* at 18-19.

⁷ Ex Parte letter to William Caton, Acting Secretary, from Clint E. Odom in Docket No. 02-67, dated April 15, 2002 at 7 (VZ Ex Parte dated April 15, 2002.)

⁸ *See also* Ex Parte Letter to William Caton, Acting Secretary, from Elliot M. Goldberg in Docket No. 02-67, April 15, 2002 ("MetTel Ex Parte dated April 15, 2002"), at 3.

Ex Parte with a self-serving declaration that “Verizon’s investigation demonstrated no systemic issue.”⁹

Later, Verizon filed a Supplemental Reply Declaration, which simply omitted the PIC Change Problem entirely and instead focused only on MetTel’s Zero Usage after Migration analysis.¹⁰ Verizon’s total avoidance of this problem is a clear indication that a significant systemic problem exists.

Notwithstanding Verizon’s effort to avoid a real examination of this issue, MetTel has pursued Verizon for a reconciliation as well as the alleged results of earlier investigations. In conjunction with a reconciliation, Verizon again asked MetTel to provide additional data for Verizon’s examination. On May 10, 2002, MetTel provided Verizon with a complete snapshot of all PIC Change Orders allegedly completed between January 1, 2002 and March 31, 2002 (“First Quarter 2002”). MetTel’s data included everything that Verizon would need for its investigation.

Verizon responded to MetTel on May 16th and advised that the file provided by MetTel was too large. In short, Verizon was claiming that too much information had been provided at one time and that its investigation was consequently stymied. Instead, Verizon sought a smaller file to work with. To avoid additional delays, MetTel provided Verizon a sample of 20 orders that evidenced a PIC Change Problem that same day. MetTel believed that discussions would reconvene shortly thereafter as the size of the control group had been reduced to 20 examples. That was not the case; Verizon only recently scheduled a meeting with MetTel on June 11, 2002 to discuss the results of Verizon’s reconciliation or investigation. According to Verizon, the delay was attributed to “vacation” and the fact that each line required approximately “5 hours” of investigation.¹¹ Significantly, however, Verizon did advise MetTel that 18 of the 20 samples were in fact routing presubscribed calls to the wrong PIC.

Against this background, MetTel respectfully submits its results for the First Quarter 2002.¹² MetTel’s First Quarter 2002 analysis demonstrates that 7.5% of all lines reflecting calls to a

⁹ VZ Ex Parte dated April 15, 2002, at 8.

¹⁰ Verizon probably focused on MetTel’s Zero Usage Analysis because it believed that MetTel could not prove that false notifiers were being issued based on the absence of usage. In a recent Ex Parte, however, MetTel did in fact demonstrate that there was a False Notifier Problem with migration orders through the use of a “Usage After LOL” analysis. See Ex Parte Letter to Marlene Dortch, Secretary, from Andoni Economou in Docket No. 02-67 dated June 4, 2002 (filed June 5, 2002).

¹¹ It is incredible that only one or two people at Verizon can investigate this problem. It is even more incredible that these critical individuals would be on vacation exactly when this reconciliation is most important. This response only highlights Verizon’s casual attitude towards 271 applications and its indifference towards CLEC issues.

¹² Attached hereto as Exhibit A. We also attach hereto as Exhibit B the 20 examples provided to Verizon on May 16th. In the event that Verizon does not choose to address this issue, it is worth noting herein that the 20 samples were all from PIC Change Orders submitted and completed in the month of March 2002. Ten lines were from New York, nine lines were from New Jersey and 1 line was from Pennsylvania. In all twenty instances MetTel identified a presubscribed call to a PIC that was not the requested PIC in the PIC Change Order. In all but two instances were the presubscribed calls being routed to the PIC that was in place prior to the PIC Change Order. In two instances a change was in fact made but it was made to an entirely different PIC. The end result is that all 20 examples did not complete MetTel’s request but Verizon’s systems notified MetTel that the work did in fact get completed. Moreover, these orders although never actually provisioned, were used to meet various performance metrics.

presubscribed carrier were not correctly provisioned during this time period.¹³ MetTel's state-by-state breakdown shows that the problem was far worse in New Jersey with over 21% of those lines reflecting presubscribed calls were incorrectly provisioned. In New York and Pennsylvania it was 6.8% and 9.6%, respectively.

MetTel also illustrates the problem in an analysis based on improperly routed calls.¹⁴ MetTel's data shows that almost 15% of all the presubscribed calls associated with these lines were routed to the wrong CIC. A state-by-state breakdown shows that almost 25% of the call volume in New Jersey was directed to the wrong CIC, compared with 14% for New York and 34.44% for Pennsylvania. Significantly, the "wrong" CIC is not always the customer's previous PIC. In New Jersey, 2.26% of the call volume was directed to a CIC other than the previous PIC thereby involving yet another carrier in this problem. In New York, 2.68% of the call volume was routed to a totally different CIC. This scenario is the most complex and difficult to deal with as it now involves a third carrier totally unrelated to the PIC Change Order. It should be fairly straightforward to anticipate that a system that lends itself to "slamming" could not possibly meet the nondiscriminatory OSS requirements of a 271 application.¹⁵

The False Notifier Problem is a significant and serious problem. Its complexities and affects are best illustrated through the PIC Change Problem subgroup. Although there are many ways that a CLEC (or IXC) is impacted by this problem, there are four that best capture the inequities of this OSS problem.¹⁶

Incorrect Data

As MetTel has consistently stated, no notifier is far better than an incorrect notifier. Notifiers trigger many changes in a CLEC's OSS and databases. These changes affect, *inter alia*, customer care and billing. False information permeates and corrupts a database increasing the costs associated with maintaining accurate data. Moreover, false information complicates problem solving to the point that it is virtually impossible. In this case, false information is also fed to third-party IXCs essentially creating "virus-like"

¹³ This analysis includes all PIC Change Orders requesting a CIC 5237 as the PIC and had a PCN Completion Date between January 1, 2002 and March 31, 2002. Moreover, where a line has not yet made a call through it presubscribed carrier it is not counted. Unless a call is made through the presubscribed carrier it is impossible for MetTel to determine whether the PIC Change Order was properly provisioned. Approximately 39% of the New Jersey lines have yet to make a call through the presubscribed carrier as of April 26, 2002. Unless this reflects yet a different problem, one would imagine that these lines would have the same error rate as evidenced by the rest of the group. In other words, if presubscribed calls were in fact attempted on these lines, 21% would reflect a provisioning problem in New Jersey.

¹⁴ See Exhibit A, "PIC Change Problem—Total Calls Analysis."

¹⁵ MetTel has no reason to believe that the problem would not exist in that context as well. In other words, a customer may call into MetTel's call center requesting to change his or her PIC to XYZ from ZYX. MetTel will of course process that order in a timely fashion and will update its databases based on the notifiers provided by Verizon. In the event that Verizon sends a false notifier indicating that the change was made when in fact it was not, that customer will not have his or her choice fulfilled but instead may continue to be PIC'd to XYZ or may now have ABC. There are no positive attributes of this problem for the IXCs or the CLEC. Verizon may possibly be the only direct beneficiary in the event that the customer is frustrated enough to leave the CLEC as the CLEC appears incapable of completing what the entire world perceives as a simple order.

¹⁶ Some other consequences of this problem that are worth noting quickly are (1) negative impact to Good Will; (2) inter-carrier problems; and (3) regulatory problems (usually coming in the form of a complaint or possibly inaccurate reporting).

characteristics. Likewise, a customer moving to a different carrier will obtain false information and this trend may continue as problems arise and customers get frustrated and depart.

Customer Care¹⁷

Customer care becomes virtually impossible when a carrier's data is somehow corrupted. A representative confronted by an irate customer that continues to get invoiced by an IXC that is no longer reflected as the customer's PIC is at a loss to solve the problem, not to mention the fact the CLEC appears totally incompetent. This problem is compounded further when the CIC is not the previous PIC. In this scenario the customer may believe that he has been "slammed," the representative probably does not understand what is going on, the IXC is completely confused and Verizon is probably denying that there is a problem. In short, there are no set of responses that can clarify these problems and/or correct them in an efficient manner. Likewise, there may be no credit to quantify for customer that was unable to make critical long-distance calls because his service was restricted by an IXC that did not know who that customer was or why the customer's traffic was being routed to the IXC. The additional costs associated with false information are difficult to quantify. They are unnecessary and extreme.

Lost Revenue

Over and above the costs associated with this problem, the lost revenue is significant. Here, MetTel's analysis shows all of the calls that would have been carried by MetTel for a short time period and for one small group. This problem has been ongoing and will continue until such time as the problem is "recognized" by Verizon and actually dealt with. Lost revenue also comes in the form of customer attrition. While a carrier would have enjoyed the revenue stream of a particular customer for years to come, that may not be the case any longer. A customer experiencing a PIC Change Problem may coincidentally receive a "winback" call from Verizon and act on it or may proactively respond to a particular marketing campaign simply because of this one problem. In short, the lost revenue is substantial to a CLEC.

Performance Reporting

To make matters worse, the CLEC receives monthly reports filed by Verizon suggesting that Verizon's provisioning performance is "acceptable" when it is not. In this respect, there is at least a double benefit to Verizon. The CLEC is inundated with problems and Verizon avoids paying penalties under various Performance Assurance Plans because it issues false notifiers rather than late notifiers.

Against this background, MetTel respectfully urges this Commission to reject Verizon's 271 application which would compel Verizon to take the necessary steps to resolve these false notifier problems and modify its reporting to account for the false notifiers that it consistently

¹⁷ There are two aspects to customer care, the first is discussed above and it typically deals with customer contact. In the case of false data there is a second aspect to customer care, that again involves Verizon. It is critical to keep in mind that Verizon's data is also corrupted. The exception of the actual switch translations, everything in Verizon's systems is also representing the requested CIC rather than the actual CIC. Wholesale trouble repair did not envision this type of problem. Accordingly, representatives are not trained to look beyond front end records to repair a problem that does not appear to exist..

issues. There are no set of facts that Verizon could put together to overcome the discriminating nature of Verizon's systems and service.

Finally, MetTel also identifies a new problem that has recently come to light in the area of billing. As you may know, MetTel receives its invoices in a BOS BDT format. As of this March, MetTel received its invoice and was unable to properly parse it. Likewise, MetTel had the same problem for the months of April and May. Apparently, MetTel has been advised that even though it should be receiving a UNE-P invoice—format (J)—Verizon has been presenting MetTel with a UNE-Loop invoice—format (N).

Because MetTel is predominantly a UNE-P carrier in New Jersey, this is a significant problem. Without an invoice in the appropriate format it is impossible to reconcile the services and rates that are charged to MetTel as well as other critical, customer related information that is obtained from the invoice. In other words, at the present time there is no way for MetTel to confirm the services it is purchasing.

MetTel has opened a Trouble Ticket since the problem has commenced. To date, Verizon has not provided an answer, nor does it know how an unauthorized change to MetTel's account occurred. This is not a comforting response as it affects MetTel's entire customer base in New Jersey. In addition, Verizon claims no forecast of when the system will be corrected and there is no forecast of when the incomplete bills will be recreated with all the necessary information. Finally, Verizon personnel admitted (verbally) that this problem has affected other CLECs as well. The fact that such a problem occurred and remains unresolved for a period of three months clearly demonstrates that Verizon has system issues that it is not even aware of.

For the foregoing reasons we urge the Commission to reject Verizon's 271 application in the state of New Jersey.

Respectfully submitted,

Andoni Economou

Attachments